

- (2) The amount;
- (3) The amounts paid the contractor;
- (4) Whether the contract is assigned under the Assignment of Claims Act and, if so, to whom; and
- (5) The amount due the contractor;
- (G) A complete summary of all pertinent evidence and the status of any legal proceedings involving the contractor;
- (H) An estimate of any damages sustained by the Government as a result of the contractor's action (explain how the estimate was calculated);
- (I) The comments and recommendations of the contracting officer and of each higher level contracting review authority regarding—
  - (1) Whether to suspend or debar the contractor;
  - (2) Whether to apply limitations to the suspension or debarment;
  - (3) The period of any recommended debarment; and
  - (4) Whether to continue any current contracts with the contractor (explain why a recommendation regarding current contracts is not included);
- (J) When appropriate, as an enclosure to the report—
  - (1) A copy or extracts of each pertinent contract;
  - (2) Witness statements or affidavits;
  - (3) Copies of investigative reports;
  - (4) Certified copies of indictments, judgments, and sentencing actions; and
  - (5) Any other appropriate exhibits or documentation.
- (iii) Send three copies of each report, including enclosures, to the debarring official in 209.403.

**209.409 Solicitation provision and contract clause.**

Use the clause at 252.209-7004, Subcontracting with Firms That Are Owned or Controlled by the Government of a Terrorist Country, in solicitations and contracts with a value of \$100,000 or more.

[63 FR 14837, Mar. 27, 1998]

**209.470 Military recruiting on campus.**

**209.470-1 Policy.**

(a)(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) provides that no funds available to DoD may be pro-

vided by grant or contract to any institution of higher education that has a policy of denying or that effectively prevents the Secretary of Defense from obtaining for military recruiting purposes—

- (i) Entry to campuses or access to students on campuses; or
- (ii) Access to directory information pertaining to students.

(2) Section 541 of the National Defense Authorization Act for Fiscal Year 1996 (10 U.S.C. 983) provides that no funds appropriated or otherwise available to DoD may be obligated by contract or by grant, including a grant of funds to be available for student aid, to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps, or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education. This prohibition applies to new contracts and all contract modifications. (See 243.105.) This prohibition shall cease to apply to that institution upon a determination by the Secretary that the institution no longer has an anti-ROTC policy.

(b) Institutions of higher education that are determined under 32 CFR part 216 to have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection shall be listed as ineligible on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs published by the General Services Administration. (See FAR 9.404.)

(c) In cases where a determination is made under 32 CFR part 216 that specific subordinate elements of an institution of higher education, rather than the institution as a whole, have the policy or practice in paragraph (a)(1) or (a)(2) of this subsection, 32 CFR part 216 provides that the prohibition on use of DoD funds applies only to those subordinate elements.

[61 FR 25408, May 21, 1996]